

### **REMARKS**

Claims 1-9 are pending in this application. Claims 1 and 5 are independent. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-2, 6 and 9 under 35 U.S.C. §102(b) as being anticipated by Numazu (USP 5,765,082); rejected claims 3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of Futoshi (JP-292753); and rejected claims 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Numazu in view of alleged well-known art. Applicants respectfully traverse these rejections.

### **Examiner Interview**

Applicants wish to thank the Examiner and Supervisor Zimmerman for the courtesies extended to Applicant's representative during the personal interview which was conducted on April 1, 2010. During the interview, the parties discussed claim 1, including "wherein a distance between any two transfer members among all of the plurality of transfer members comprised by the transfer unit stays constant during a rotation of the transfer unit." The Examiner agreed that Numazu fails to teach or suggest this claim element, agreed that the outstanding rejection would be withdrawn and agreed that the finality of the outstanding rejection be withdrawn. The arguments set forth herein are consistent with the arguments discussed during the Interview.

### **Rejections under 35 U.S.C. § 102**

As discussed during the Interview, claim 1 requires an image forming apparatus comprising a plurality of image carriers arranged in a sheet transporting direction, the plurality of image carriers comprising an image carrier of black and an image carrier of a color other than black; and a transfer unit, which has a plurality of transfer members corresponding to the respective image carriers, for transferring images carried on the respective image carriers, wherein the plurality of transfer members comprise a transfer member of black and a transfer member of the color other than black, wherein the transfer unit comprises a rotary fulcrum positioned at a place where the belt is not located, and whole of the transfer unit can be rotated around the rotary fulcrum in directions of moving to and from the image carriers, and wherein a

distance between any two transfer members among all the plurality of transfer members comprised by the transfer unit stays constant during a rotation of the transfer unit

As can be seen from this claim recitation, during a rotation of the transfer unit, a distance between any two transfer members among all the plurality of transfer members comprised by the transfer unit stays constant. Thus, when considering all possible combinations of the transfer members, the distance between any two of the transfer members stays constant during a rotation of the transfer unit.

In contrast, in Numazu, when the movable arm moves, elements 44a-44c rotate. However, as element 44d does not rotate with elements 44a-44c, a distance between any two transfer members along all of the plurality of transfer members 44a-44d does not stay constant during the rotation. Although a distance between two transfer members among some transfer members 44a-44c of all the plurality of transfer members 44a-44d may stay constant during the rotation, this teaching is wholly insufficient to teach or suggest “wherein a distance between any two transfer members among all the plurality of transfer members comprised by the transfer unit stays constant during a rotation of the transfer unit,” as required by claim 1.

As agreed upon during the Interview, for at least these reasons, Applicants respectfully submit that claim 1 is not anticipated by Numazu. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully requested that claims 2-4 and 6-9 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. It is further respectfully submitted that claim 5 includes elements similar to those set forth above with regard to claim 1 and thus claim 5 is allowable for the reasons set forth above with regard to claim 1.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet, Registration No. 52327 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: April 9, 2010

Respectfully submitted,

By 

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